

recites the heat shield being "interposed between the cover and the foam core." Claim 17 further recites that the heat shield can withstand a higher temperature than the foam core and the cover. Every claim, either directly or by implication, recites a heat shield. The *Styba* reference, however, neither teaches, discloses, nor suggests a heat shield. *A fortiori*, it cannot anticipate or render obvious the claimed subject matter.

The Examiner cites the material 34 of *Styba* as being a heat shield. The *Styba* patent, however, nowhere teaches or suggests that the "puncture resistant" material 34 is a heat shield or is capable of serving as a heat shield. Indeed, *Styba* nowhere mentions heat conduction. The material 34 is only said to be puncture resistant. *Styba* even expressly states that the material 34 may be wholly eliminated if sufficient reinforcing materials are otherwise used. (*Styba*, Col. 3, lines 9-17). Clearly there is no teaching that the material 34 is a heat shield, as recited in all pending claims. Further, not only is there no express teaching of a heat shield in *Styba*, there is no intrinsic or extrinsic evidence which could establish that *Styba* inherently shows a heat shield. Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990) ("In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art.") (Emphasis in original.) Further still, there is no suggestion or motivation in the prior art to alter the material or replace it with a heat shield. In re Kotzab, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1316-1317 (Fed. Cir. 2000) ("Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.")

In short, *Styba* does not teach or suggest a heat shield. A fair reading of *Styba*, therefore, clearly shows that it neither anticipates nor renders obvious the claimed subject matter. The rejections are defective, and the claimed subject matter is in condition for allowance.

If the Examiner is of the belief that a telephonic interview will help expedite the prosecution of this case, please feel free to contact the below-signed representative.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

By:

A handwritten signature in dark ink, appearing to read "Paul B. Stephens", written over a horizontal line.

Paul B. Stephens
Registration No. 47,970

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